Approved for use through 9/30/98. OMB 0651-0032 Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

## **NEW PLANT PATENT** APPLICATION TRANSMITTAL

(to be used for new applications only)

W - 3908Attorney Docket Number

First Named Inventor ANGEL A. GARGIULO

Total Pages in this Submission

66

## **APPLICATION ELEMENTS** Notice: Checklist items mentioned under Application Elements section construct a new plant patent application. ACCOMPANYING APPLICATION PARTS Please refer to MPEP Sections 506, 601, 1600 (37 CFR 1.53, 35 USC 111, 112, 113) for detailed explanation regarding completeness of an original plant application. Assignment Papers Fee Transmittal Form (prescribed filing fee(s)) 1. X 2. Specification Certified Copy of Priority Document(s) Title of the Invention (with Plant's name) 7. X (if foreign priority is claimed) Cross References to Related Applications English Translation Document (if applicable) 8. (if applicable) Information Disclosure Copies of IDS Statement Regarding Federally-sponsored g X Statement/PTO-1449 Citations Research/Development (if applicable) 10. Petition Checklist and Accompanying Petition Background of the Invention Preliminary Amendment 11. Brief Summary of the Invention 12. Proprietary Information Brief Description of the Drawings 13. Return Receipt Postcard Detailed Botanical Description X Small Entity Statement Claim 14. Additional Enclosures (please identify below): Abstract of the Disclosure 15. Drawing(s) in duplicate 3. X (as prescribed by 35 USC 165) **Executed Declaration** 5 X Plant Color Coding Sheet SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT Firm RODNEY WORREL, WORREL & WORREL Individual name Signature Date August 22, 2001

| FOR OFFICIAL USE ONLY |                  |                         |                    |  |  |  |
|-----------------------|------------------|-------------------------|--------------------|--|--|--|
| Application Number    |                  | Class                   | Independent Claims |  |  |  |
| Date of Receipt       | Application Type | GAU                     | Total Claims       |  |  |  |
|                       | Filing Date      | Foreign Filing License? | Drawing Sheets     |  |  |  |
|                       | Small Entity     | Foreign Address?        | Special Handling?  |  |  |  |

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|                                       | Complete if Known                        |  |  |
|---------------------------------------|--|--|--|
|                                       | Application Number                       |  |  |
| FEE TRANSMITTAL                       | Filing Date                              |  |  |
| ILL IIVANOMIIIAL                      | First Named Inventor   ANGEL A. GARGIULO |  |  |
|                                       | Group Art Unit                           |  |  |
| · · · · · · · · · · · · · · · · · · · | Examiner Name                            |  |  |
| TOTAL AMOUNT OF PAYMENT (\$) 280.00   | Attorney Docket Number W-3908            |  |  |

| METHOD OF PAYMENT (check one)   | FEE CALCULATION (continued)  |          |  |  |                                |  |
|---|--|----------|--|--|--------------------------------|--|
| 1. X The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:        | 3. ADDITIONAL FEES   |          |  |  |                                |  |
| Deposit   | Large Entity Small Entity Fee                        | Fee Paid |  |  |                                |  |
| Account Number 23-3185  | Code (\$) Code (\$) Fee Description  105 130 205 65 Surcharge - late filing fee or oath  | ree Palo |  |  |                                |  |
| Deposit Account LIODDET C LIODDET   | 127 50 227 25 Surcharge - late provisional filing fee or                                 |          |  |  |                                |  |
| Name WORREL & WORREL  | cover sheet.   |          |  |  |                                |  |
| X Charge Any Additional Charge the issue Fee Set in 37 Fee Required Under 37 CFR 1.18 at the Mailing of the | 139 130 139 130 Non-English specification  |          |  |  |                                |  |
| CFR 1 16 and 1 17 Notice of Allowance, 37 CFR 1 311(b)  | 147 2,460 147 2,460 For filing a request for reexamination                               |          |  |  |                                |  |
| 2. X Payment Enclosed:  | 112 900 112 900 Requesting publication of SIR prior to Examiner action                   |          |  |  |                                |  |
| X Check Money Other   | 113 1,790* 113 1,790* Requesting publication of SIR after Examiner action                |          |  |  |                                |  |
| FEE CALCULATION (fees effective 10/01/96)   | 115 110 215 55 Extension for response within first month                                 |          |  |  |                                |  |
| 1. FILING FEE   | 116 390 216 195 Extension for response within second month                               |          |  |  |                                |  |
| 1 F-414. 6  | 117 930 217 465 Extension for response within third month                                |          |  |  |                                |  |
| Large Entity Small Entity Fee Fee Fee Fee Description Fee Paid  | 118 1,470 218 735 Extension for response within fourth month                             |          |  |  |                                |  |
| Code (\$) Code (\$)   | 119 300 219 150 Notice of Appeal   |          |  |  |                                |  |
| 101 770 201 385 Utility filing fee  | 120 300 220 150 Filing a brief in support of an appeal                                   |          |  |  |                                |  |
| 106 320 206 160 Design filing fee   | 121 260 221 130 Request for oral hearing   |          |  |  |                                |  |
| 107 530 207 265 Plant filing fee 240.   | 138 1,470 138 1,470 Petition to institute a public use proceeding                        |          |  |  |                                |  |
| 108 770 208 385 Reissue filing fee<br>114 150 214 75 Provisional filing fee                                 | 140 110 240 55 Petition to revive unavoidably abandoned application                      |          |  |  |                                |  |
| SUBTOTAL (1) (\$) 240.  | 141 1,290 241 645 Petition to revive unintentionally abandoned application               |          |  |  |                                |  |
|   | 142 1,290 242 645 Utility issue fee (or reissue)   |          |  |  |                                |  |
| 2. CLAIMS Extra Fee from below Fee Paid   | 143 440 243 220 Design issue fee   |          |  |  |                                |  |
| Total Claims 1 -20 = 0 X = 0  | 144 650 244 325 Plant issue fee  |          |  |  |                                |  |
| Independent Claims 0 - 3 = 0 X = 0  | 122 130 122 130 Petitions to the Commissioner  |          |  |  |                                |  |
| Multiple Dependent Claims 0 X = 0   | 123 50 123 50 Petitions related to provisional applications                              |          |  |  |                                |  |
|   | 126 230 126 230 Submission of Information Disclosure Stmt                                |          |  |  |                                |  |
| Large Entity Small Entity Fee Fee Fee Fee Description Code (\$) Code (\$)                                   | 581 40 581 40 Recording each patent assignment per property (times number of properties) | 40.      |  |  |                                |  |
| 103 22 203 11 Claims in excess of 20  | 146 770 246 385 Filing a submission after final rejection                                |          |  |  |                                |  |
| 102 80 202 40 Independent claims in excess of 3   | (37 CFR 1.129(a))  |          |  |  |                                |  |
| 104 260 204 130 Multiple dependent claim  | 149 770 249 385 For each additional invention to be                                      |          |  |  |                                |  |
| 109 80 209 40 Reissue independent claims<br>over original patent  | examined (37 CFR 1.129(b))   |          |  |  |                                |  |
| 110 22 210 11 Reissue claims in excess of 20  | Other fee (specify)  |          |  |  |                                |  |
| and over original patent  | Other fee (specify)  |          |  |  |                                |  |
| SUBTOTAL (2) (\$) 0 SUBTOTAL (3) (\$) 40.   |  |          |  |  |                                |  |
|   |  |          |  |  | Reduced by basic rang ree raid |  |

| SUBMITTED B              | Υ                | Complete (if applicable)   |         |
|--------------------------|------------------|----------------------------|---------|
| Typed or<br>Printed Name | RODNEY K. WORREL | Reg. Number                | 27,475  |
| Signature                | Date 8/22/01     | Deposit Account<br>User-ID | 23-3185 |

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Attorney's Docket No. .

W = 3908

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

FORM 8-3

In re application of:

ANGEL A. GARGIULO

Serial No.:

Group No.:

Filed:

Examiner:

For:

GRAPEVINE "90-3437"

Commissioner of Patents and Trademarks Washington, D.C. 20231

## **EXPRESS MAIL CERTIFICATE**

"Express Mail" label number EM440646734US

Date of Deposit August 22, 2001

I hereby certify that the following attached paper or fee

Fee Transmittal Form; check for filing fee \$240.00; New Plant Patent Application Transmittal; Specification [Title of the Invention, Cross References to Related Applications, Statement regarding Federally—sponsored Research/Development, Background of the Invention, Brief Summary of the Invention, Brief Description of the Drawings, Detailed Botanical Description, Claim, Abstract of the Disclosure]; Photographs in duplicate; Plant Patent Application Declaration; Plant Color Coding Sheet; check for recording fee \$40.00; Recordation Form Cover Sheet; Assignment; Submission of Verified Statements; (2) Verified Statements; Information Disclosure Statement; return card; and copy is being deposited with the United States Postal Service "Express Mail Post Office to of Speci-Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to fication. the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Rodney K. Worrel

(typed or printed name of person mailing paper or fee)

(Signature of person mailing paper or fee)

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